

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DAVID GORDON and SAMAYA
GORDON** : CIVIL ACTION

v. : :

LM GENERAL INSURANCE : NO. 22-2567

COMPANY : :

ORDER

AND NOW, this 28th day of July 2022, upon reviewing Defendant's Motion to dismiss the bad faith claim (Count I) and to strike references to an insurer's fiduciary duty (ECF Doc. No. 5), Plaintiffs' untimely Response (ECF Doc. No. 7), and for reasons in the accompanying Memorandum, it is ORDERED:

1. Plaintiffs' Response (ECF Doc. No. 7) is **STRICKEN** as untimely;
2. Defendant's Motion (ECF Doc. No. 5) is **GRANTED** requiring we:
 - a. **dismiss** Count I of Plaintiffs' Complaint (ECF Doc. No. 1-2) without prejudice to Plaintiffs filing an amended Complaint possibly pleading a fact basis for their bad faith allegations no later than **August 5, 2022**;
 - b. **strike** Plaintiff's allegations of Defendant owing Plaintiffs a fiduciary duty; and,
3. Defendant shall file an Answer to Plaintiffs' remaining claims in the Complaint (absent a timely amended Complaint) no later than **August 11, 2022**.



KEARNEY, J.